

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CARMEN MANARANG DEVERA,

Plaintiff,

v.

Case No. 11-cv-951-pp

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

ORDER GRANTING MOTION FOR ATTORNEY FEES (DKT. NO. 18)

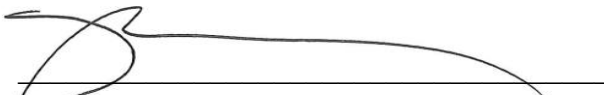
On October 16, 2018, plaintiff's counsel filed a motion for attorney's fees under 42 U.S.C. §406(b)(1). Dkt. No. 18. The clerk's office originally assigned this case to Judge Rudolph T. Randa; on June 29, 2012, Judge Randa issued an order remanding the plaintiff's claim to the Commissioner for further administrative proceedings. Dkt. No. 12. He entered judgment the same day. Dkt. No. 13. Upon remand, and after four ALJ hearings, the agency concluded that the plaintiff was disabled at all times since her alleged onset date of August 8, 2008. Dkt. 18-2 at 3. On October 18, 2012, Judge Randa issued an order granting the plaintiff's motion for an award of \$4,565.48 in fees under the Equal Access to Justice Act. Dkt. No. 17. Because Judge Randa has passed away, the clerk's office reassigned the case to this court after the plaintiff's counsel filed the current motion for attorney's fees.

Section 406 of Title 42 provides, “Whenever a court renders a judgment favorable to a claimant . . . the court may determine and allow as part of its judgment a reasonable fee . . . not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled. . . . 42 U.S.C.§406(b)(1)(A). Plaintiff’s counsel has moved for an award of \$18,160.60, which represents 25% of the past due benefits awarded to the plaintiff, dkt. no. 8-2 at 5-6, and counsel indicates that, upon receipt of the attorney fees, he will remit the previously-awarded \$4,565.48 in EAJA fees directly to the plaintiff, id. at 6. The Commissioner has filed a response indicating that she “has identified no reason to oppose” the plaintiff’s motion. Dkt. 19 at 1.

The court **GRANTS** the plaintiff’s motion for attorney fees. Dkt. No. 18. The court **ORDERS** that attorney’s fees in the amount of \$18,160.60 shall be awarded to plaintiff’s counsel, Charles E. Binder. The court further **ORDERS** that, upon receipt of this sum, plaintiff’s counsel shall remit \$4,565.48, representing fees previously awarded under the EAJA, to the plaintiff.

Dated in Milwaukee, Wisconsin this 3rd day of December, 2018.

BY THE COURT:


HON. PAMELA PEPPER
United States District Judge